

Mayor Goldhardt called the meeting to order at 7:00 pm. Administrative Assistant Baldwin took roll call with the following members present: Mr. Mitchem, Ms. Joiner, Mr. Grassel, Ms. Wolfe, Ms. Geiger and Mr. Thompson.

Wolfe A motion was made to approve the June 7<sup>th</sup>, 2021 Public Hearing Minutes by Ms. Wolfe and seconded by Mr. Thompson. Mr. Grassel abstained. The remaining members were in favor and the motion passed.

A motion was made to approve the June 7<sup>th</sup>, 2021 Regular Meeting Minutes by Mr. Thompson and seconded by Ms. Geiger. Mr. Grassel abstained. The remaining members were in favor and the motion passed.

### Administrative Reports:

- A. Mayor's Report He had nothing to report at this time
- B. Village Solicitor's Report Solicitor Cartee discussed the legislation on the agenda for the evening.
- C. Police Chief's Report The monthly report was sent electronically to council. Chief Jordan discussed that he has one officer on military leave and one officer out due to injury. He advised Council that he has two officers who have applied for the open position and he is currently doing background checks on them. He feels that the department needs to add an additional officer. Council said that this should have been projected when they were approving the budget and he should prepare for next year. Chief Jordan also said that he was asked to do a pay study by Mr. Grassel. He stated that the Village pay scale is lower than most others and he feels this is impacting the number of applications that he has received. Ms. Joiner asked if he has talked to the Sheriff's department about using them as a backup or placing some of their officers on special duty for the Village. Mr. Mitchem asked about bringing back auxiliary officers. Mayor Goldhardt said he removed the auxiliary officers from the department because the Village is not allowed to place them on a schedule. The Auxiliary Officers would show up whenever they wanted, not when the department needed them. The Village ended up paying them and all they were doing was riding along with the other officers. He felt this was a waste of taxpayer dollars. Ms. Geiger asked if there are any hours that would not need to be covered, such as Sunday mornings. Mr. Thompson disagreed and said we need 24-hour coverage. Mr. Grassel asked Chief Jordan to speak with the Sheriff's department to see if they can help cover some of the hours to provide relief.
- D. Village Administrator's Report He had nothing to report. Ms. Joiner asked if he has received the quotes for the sidewalks and walk paths. Administrator Crego said he is still short one quote on the walk path. Ms. Joiner said if the others are not responding, we should move forward. She said there are still cracks on the streets in Chestnut Estates. Administrator Crego said that he will look into it.
- E. Village Engineer's Report Ms. Derwacter, of Sands Decker, gave an update on the Walker Road project. She said they have been in contact with Watcom and have received the CAD files and preliminary files, which are currently being reviewed.
- F. Zoning Inspector's Report Administrator Kuzelka discussed his involvement with the new ordinance regarding trees and he will be reviewing closely.
- G. Fiscal Officer's Report Fiscal Officer Hastings said the Village is scheduled for a mosquito spray on July 9<sup>th</sup> after 10:00 pm.

#### Legislative Reports:

- A. Tracy Joiner -She had nothing to report at this time.
- B. Laura Wolfe She had nothing to report at this time.
- C. Ryan Mitchem He had nothing to report at this time.
- D. Aaron Grassel He had nothing to report at this time.



- E. Jason Thompson -He had nothing to report at this time.
- F. Nancy Geiger- She had nothing to report at this time.

#### Citizen Comments:

Ms. Oliver addressed council regarding the increased semi-truck traffic on State Route 104 and Durrett Road. She said with the re-zoning, her concern is the additional traffic. She said there is also drainage that goes into her pond from State Route 104 and the surrounding properties. She is concerned that with the re-zoning, there is a possibility that chemicals used could drain into her pond and impact the wildlife. She said there has not been a traffic impact study completed as well.

Ms. Knipp read a letter from a neighbor who could not attend.

Mr. Hinton stated he has been a lifetime resident and is not against progress, however, he opposed the Light Manufacturing on Durrett road. He discussed all of the warehouses that are empty in Obetz and Groveport because their 15 year abatement is expired. He just wants people to keep that in mind. He also discussed the additional traffic on Durrett Road including semi's which is not good for that road.

Mr. Stepp agrees with everything that had been stated. He discussed how the noise is getting crazy. He discussed the traffic and eventually how it will detour into the village.

Ms. Liming discussed the traffic on State Route 104 and how this is ruining the rural area. She said it is lowering property values. She also expressed how difficult it is to get across the street to check her mail and to get out of her driveway. She asked Council to stop the re-zoning.

Mr. Scala, of K-NOVA LLC, thanked the village for everything they have done and feels we have accomplished a lot together. He discussed the taxes received from the 230 acres at State Route 104 and Durrett. He discussed reasons for rezoning this property now and the value it can bring to the area. He said he has heard the residents and their concerns. He said ODOT is working on the roads. He stated that he has a buyer that he feels is special. He said they want to be good neighbors. He said by re-zoning this property, the village is taking on no risk at this time. He said their group is working with the Village to make the area more secure. He said they are asking council to table the re-zoning vote tonight.

Ms. Cyrus discussed her concerns with the re-zoning. She discussed how she has seen people come to the meeting and has seen them be ignored. She said they are passionate about their homes. She said she understands the need for growth, but asked that the Council members be compassionate.

Mr. Smith discussed the traffic on Durrett Road. He said due to the semi traffic, they can't walk or ride bikes anymore as they once did as children. He asked the Council members to think how they would feel if these were built across from their homes.

Mr. Prindle said that he has lived on Durrett Road for 43 years. He said the traffic used to be reasonable but now you cannot access State Route 104 easily. He said the more people you bring in, the less secure the community is. He asked the Council members to please vote no on the re-zoning.

### Business Items:

A. Rohr Two Development, LLC Variance Request – Mayor Goldhardt advised council that they have received the updated paperwork from the developer regarding their request. Pete Gray, of Van Trust, said they have added trees to lot two for a total of 322 trees. He also said they have addressed the concerns of AEP and placed accepted trees under the future AEP transmission lines.

A motion was made to accept the tree variance request as amended by Ms. Joiner and seconded by Mr. Grassel

Roll call vote: Mr. Thompson - Yes, Mr. Grassel - Yes, Ms. Geiger - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe -Yes. The motion passed.



A motion was made to accept the variance request for the number of parking spaces by Ms. Joiner and seconded by Mr. Mitchem.

Roll call vote: Mr. Thompson - Yes, Mr. Grassel - Yes, Ms. Geiger - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe -Yes. The motion passed.

## Legislation:

First Reading:

Resolution 20-2021 A RESOLUTION TO INCREASE THE WATER FUND APPROPRIATIONS WITHIN THE 2021 PERMANENT BUDGET.

Mayor Goldhardt did a first reading, title only.

A motion was made to suspend the three readings by Ms. Joiner and seconded by Ms. Wolfe.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

A motion was made to adopt Resolution 20-2021 by Ms. Joiner and seconded by Ms. Wolfe. Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

Ordinance 2021-19 AN ORDINANCE AMENDING SECTION 1042.12 AND CREATING 1052.03 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT TO AUTHORIZE THE LIMITED USED OF IRRIGATION WATER METERS.

Mayor Goldhardt did a first reading, title only.

A motion was made to suspend the three readings by Ms. Joiner and seconded by Ms. Geiger.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

A motion was made to adopt Ordinance 2021-19 by Ms. Joiner and seconded by Ms. Wolfe.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

Ordinance 2021-20 AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT TO REPLACE CHAPTER 1191 OF THE ZONING CODE.

Mayor Goldhardt did a first reading, title only.

Ordinance 2021-21 AN ORDINANCE APPROVING THE ANNEXATION OF 5.30+/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.

Mayor Goldhardt did a first reading, title only.

A motion was made to suspend the three readings by Ms. Joiner and seconded by Mr. Mitchem.

Roll call vote: Mr. Thompson - No, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

A motion was made to adopt Ordinance 2021-21 by Ms. Joiner and seconded by Ms. Wolfe.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

Ordinance 2021-22 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A COMMUNITY REINVESTMENT AREA PARCEL E PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN COI RICKENBACKER INDUSTRIAL LAND, LLC, AND COI RICKENBACKER PARCEL E, LLC, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a first reading, title only.

A motion was made to suspend the three readings by Ms. Geiger and seconded by Ms. Joiner.

Roll call vote: Mr. Thompson - No, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.



A motion was made to adopt Ordinance 2021-22 by Ms. Geiger and seconded by Ms. Wolfe. Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

Ordinance 2021-23 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A COMMUNITY REINVESTMENT AREA BUILDING 2 PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT (CRA AGREEMENT) BETWEEN COI RICKENBACKER INDUSTRIAL LAND, LLC, AND ROHR TWO DEVELOPMENT, LLC, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a first reading, title only.

A motion was made to suspend the three readings by Mr. Grassel and seconded by Mr. Mitchem.

Roll call vote: Mr. Thompson - No, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

A motion was made to adopt Ordinance 2021-23 by Ms. Joiner and seconded by Ms. Wolfe.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

Ordinance 2021-24 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A COMMUNITY REINVESTMENT AREA BUILDING 2 SECOND PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT (CRA AGREEMENT) WITH ROHR TWO DEVELOPMENT, LLC AND THE PICKAWAY COUNTY PORT AUTHORITY, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a first reading, title only.

A motion was made to suspend the three readings by Mr. Grassel and seconded by Ms. Geiger.

Roll call vote: Mr. Thompson - No, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

A motion was made to adopt Ordinance 2021-24 by Mr. Grassel and seconded by Ms. Wolfe.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

### Third Reading:

Ordinance 2021-17 AN ORDINANCE TO REZONE 281.817 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM GENERAL COMMERCIAL AND LOW DENSITY RESIDENTIAL (R-3 RESIDENTIAL) TO LIMITED MANUFACTURING.

Mayor Goldhardt reminded Council that the developer has officially asked for this ordinance to be postponed indefinitely and that they waive the 45-day requirement for Council to act. Council held a discussion regarding the request. Solicitor Cartee explained the options available to Council.

A motion was made to postpone Ordinance 2021-17 indefinitely by Mr. Grassel and seconded by Mr. Thompson.

Roll call vote: Ms. Wolfe - Yes, Ms. Joiner - No, Mr. Thompson - Yes, Ms. Geiger - No, Mr. Grassel - Yes and Mr. Mitchem - No. Due to a tie in the Council vote, a final vote was cast by Mayor Goldhardt. Mayor Goldhardt voted No. The motion failed.

A motion was made by Ms. Joiner and seconded by Mr. Mitchem to substitute the title of the Ordinance, the last Whereas Clause of the Ordinance, Section 1 of the Ordinance, and Section 2 of the Ordinance with the following:

<u>Title:</u> "An Ordinance to Rezone a Portion of 281.817 +/- Acres East of State Route 104 Within the Village of Commercial Point, Ohio from General Commercial (GC) to Limited Manufacturing (LM)."

<u>Final Whereas Clause</u>: "WHEREAS, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point, in order to maintain the residential character of most of the property west of State Route 104, that the zoning classification of only a portion of the property in the Village of Commercial Point that is the subject of Petitioner's re-zoning application be established as a Limited Manufacturing District (LM) pursuant to Chapter 1171 of the Zoning Code of the Village of Commercial Point and, therefore, the Village Council has determined



to approve the Petitioner's request to re-zone 281.817 +/- Acres within the Village of Commercial Point only as to the portion of said property that is located to the east of State Route 104."

SECTION 1: "SECTION 1. The property containing 281.817 +/- acres, which is more particularly described on the attached Exhibit A, incorporated herein by reference, is hereby designated as a Limited Manufacturing District (LM) only as to that portion of property located to the east side of State Route 104. The remainder of the property, which is located to the west side of State Route 104, shall retain its current zoning classification, namely Low Density Residential District (R-3) and General Commercial District (GC). Accordingly, the application of Petitioner is approved in part, and denied in part. The application is approved as to the property located to the east of State Route 104, and denied as to the property located to the west of State Route 104."

SECTION 2: "SECTION 2. The Village Council has considered the factors described in Section 1111.03 of the Zoning Code of the Village of Commercial Point and has determined that those factors weigh in favor of rezoning the property described in <a href="Exhibit A">Exhibit A</a> that is located to the east of State Route 104 from General Commercial District (GC) to Limited Manufacturing District (LM). The Village Council, after considering the factors described in Section 1111.03 of the Zoning Code of the Village of Commercial Point, has determined and gives significant weight to the fact that the proposed amendment is incompatible with adjacent land use and appropriate plans for the area and does not comport with a positive relationship to public health, safety, convenience, comfort, prosperity, and general welfare."

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

A motion was made to adopt Ordinance 2021-17 by Ms. Geiger and seconded by Ms. Joiner.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger -Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes and Ms. Wolfe - Yes. The motion passed.

### Additional Items:

There are no additional items

A motion was made to adjourn by Ms. Geiger and seconded by Ms. Wolfe. All were in favor, the motion passed and the meeting was adjourned.

Allan D. Goldhardt, Mayor Wendy Hastings, Fiscal Officer